

## **REMARKS/ARGUMENTS**

This Request for Reconsideration is submitted in response to the Final Office Action of July 2, 2003. This Request for Reconsideration is provided within the period for reply extending to October 2, 2003. Please note, however, that this Request for Reconsideration is also being submitted within the two month period, extending to September 2, 2003, from the date of the Final Office Action. Claims 1-18 and 20-21 remain pending in this case.

The Applicants respectfully request that the Examiner carefully consider each of the remarks/arguments presented in this Request for Reconsideration. This Request for Reconsideration does not propose additional claim amendments. Therefore, the Examiner is expected to enter each of the following remarks/arguments to place the case in better condition for Appeal. For the convenience of the Examiner, the following remarks/arguments are separated into a number of sections: "Rejections Under 35 U.S.C. §103", "Examiner's Position", "Arguments Supporting Patentability of Claims 1-2, 11-12, and 14-18", "Arguments Supporting Patentability of Claims 3-10, 13, and 20-21", and "Summary". The use of sections also places the remarks/arguments in a form that is more suitable for conversion to an Appeal Brief in the event that the Applicants decide to pursue an Appeal at this stage.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 14-17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath et al. ("Wollrath") (U.S. Pat. No. 6,263,350) in view of Smith et al. ("Smith") (U.S. Pat. No. 5,829,053) and further in view of Ofer et al. ("Ofer") (U.S. Pat. No. 5,890,204). These rejections are respectfully traversed.

Claims 3-10, 13, and 20-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath in view of Smith further in view of Ofer and further in view of Leong et al. ("Leong") (U.S. Pat. No. 6,269,398). These rejections are respectfully traversed.

Claims 11-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wollrath in view of Smith further in view of Ofer further in view of Leong and further in view of Madsen et al. (U.S. Pat. No. 6,151,620). These rejections are respectfully traversed.

#### **Examiner's Position**

The Examiner has again rejected claims 1-18 and 20-21 by reasserting the same bases of rejection previously presented in the Office Action dated December 18, 2002. Therefore, the Applicants continue to assert the arguments, with respect to the rejections of claims 1-18 and 20-21, as previously submitted in the Amendment dated April 17, 2003. Additionally, in an effort to advance prosecution of the present case, the Applicants respectfully request that the Examiner consider the following supplemental arguments.

#### **Arguments Supporting Patentability of Claims 1-2, 11-12, and 14-18**

With respect to claim 1, an inventor skilled in the art at the time of the invention would not have looked to Wollrath in developing the claimed invention. Wollrath is related to resource leasing, which is an entirely different technology than that embodied in claim 1 as a whole. Additionally, the teachings of Wollrath are not related to the teachings of either Smith or Ofer when considered in view of claim 1. There is no suggestion or motivation, either explicitly or implicitly, in either Wollrath, Smith, or Ofer to have combined the teachings of Wollrath with the teachings of Smith and Ofer to arrive at the present

invention as embodied in claim 1. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP §2143.01 The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. MPEP §2143.01 However, the level of ordinary skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). A statement that modifications of the prior art to meet the claimed invention would have been within the ordinary skill of the art at the time the claimed invention was made is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

The Examiner has stated that the motivation to combine the teachings of Wollrath with the teachings of Smith and Ofer would be "for the purpose to make more convenient to manage the storage device over the network as taught by Ofer et al." The Applicants respectfully submit that neither Wollrath, Smith, Ofer, nor the combination thereof, provide the motivation to combine their respective teachings as suggested by the Examiner. The rationale for combining references requires a recognition either expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by the combination of references. *In re Sernaker*, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983). The Applicants respectfully submit that the references neither expressly or impliedly provide the motivation to combine their respective teachings as suggested by the Examiner. Furthermore, the Applicants respectfully submit that the

motivation to combine the teachings of Wollrath, Smith, and Ofer as suggest by the Examiner is not drawn from a convincing line of reasoning based on established scientific principles or legal precedent.

Further with respect to claim 1, the Examiner has not considered the server component and client component elements of the present invention in view of the specification. More specifically, the server component and client component of the present invention, when considered in light of the specification, refer to software used to administer the RAID-based disk arrays (see specification page 12, lines 4-5, and numerous other discussions throughout specification). The Examiner has relied upon the server component and client component of Wollrath as teaching the server component and client component of the present invention. However, the server component and client component as taught by Wollrath are not related at all to the server component and client component of the present invention. The following excerpts from Wollrath provide a basic understanding of the server component and client component as taught by Wollrath:

"A method invocation (MI) component located in each of the computers in the distributed processing system implements the distributed garbage collection scheme of this invention." (Wollrath, column 5, lines 59-62)

"Each of the MI components 730, 830 and 930 shown in FIG. 7 preferably includes both client components and server components." (Wollrath, column 10, lines 41-43)

Based on the above excerpts from Wollrath, it is clear that the server component and client component as taught by Wollrath refer to software used to implement the distributed garbage collection scheme as taught by Wollrath. Therefore, other than having common names, the server component and the client component of Wollrath are completely different from the server component and the client component of claim 1 when

viewed in light of the specification. During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). When the specification provides definitions for terms appearing in the claims, the specification can be used in interpreting claim language. *In re Vogel*, 422 F.2d 438, 441, 164 USPQ 619, 622 (CCPA 1970). "Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'." 710 F.2d at 802, 218 USPQ at 292 (quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis in original).

Since the server component and client component of the present invention are not taught or suggested by either Wollrath, Smith, Ofer, or the combination thereof, the Examiner has not demonstrated a prior art teaching or suggestion of the server component and client component of the presently claimed invention. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Yet further with respect to claim 1, the Applicants respectfully submit that all combined elements and limitations of claim 1 have not been considered as a whole by the Examiner. More specifically, the client component of claim 1 must be considered as being capable of providing a graphical user interface (GUI). Also, the GUI must provide a graphical representation of the enterprise network and icon links to configuration tools. Furthermore, the configuration tools must be for selecting and structurally defining, at the client computer system, the RAID array of disks of the storage enclosure that is connected to the server computer system. Again, the Examiner has relied on Wollrath to teach the client component of the present invention, but for the reasons stated above the client component of Wollrath is not related at all to the client component of the present invention.

Therefore, the Examiner has not demonstrated a prior art teaching or suggestion of the client component of the present invention, particularly when considered as part of the claim as a whole. In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

In addition to the foregoing, the GUI of Ofer as relied upon by the Examiner does not teach or suggest the GUI as required by claim 1, wherein the GUI required by claim 1 is provided by the client component at a client computer system. Firstly, since Wollrath does not teach the client component as required by the presently claimed invention and the Examiner has not provided a reference that teaches the client component of the presently claimed invention, it is impossible to conclude that the combined teachings of Wollrath, Smith, and Ofer teach or suggest a GUI provided by the client component at the client computer system. Secondly, the Examiner's basis for rejecting claim 1 is not adequately supported by simply making an assertion that since Wollrath teaches a client computer system and Ofer teaches a GUI, it would have been obvious to have the client computer system of Wollrath provide the GUI of Ofer. Again, there must be some suggestion either explicitly or implicitly in the references to combine the teachings as claimed. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Additionally, the GUI of Ofer as relied upon by the Examiner does not teach or suggest the requirements of claim 1 with respect to providing a graphical representation of the enterprise network and icon links to configuration tools for selecting and structurally defining at the client computer system the RAID array of disks of the storage enclosure

connected to the server computer system. More specifically, the present invention requires that the configuration tools (associated with the icon links represented by the GUI) allow the RAID array of disks of the storage enclosure that is connected to the server computer system be selected and structurally defined at the client computer system. In other words, the GUI provided by the client component of the present invention allows the RAID array of disks that are connected to the server computer system to be selected and structurally defined at (i.e., from) the client computer system. Again, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Also, all of the elements and limitations of the claim must be considered as a whole when determining patentability.

The Examiner has rejected claim 18 using the same bases of rejection as applied to claim 1. Therefore, the Applicants submit that the arguments provided above with respect to claim 1 are equally applicable to corresponding elements and limitations of claim 18.

#### **Arguments Supporting Patentability of Claims 3-10, 13, and 20-21**

With respect to Claims 3 and 21, Leong does not teach the array builder link as claimed in the present invention. The array builder link of the claimed invention provides selection tabs to allow array building from an array template or from scratch. Leong Figure 4, Items 441, 442, and 443, as referenced by the Office for a basis of rejection of Claim 3, do not teach or suggest the array builder icon link or associated selection tabs as claimed in the present invention. Actually, Leong Figure 4, Items 441, 442, and 443, refer to GUI buttons for linking to views of router interface configurations, router fault statistics and history, and router interface performance statistics and history. A way for building an array of disks as claimed in the present invention is completely unrelated to router interface configurations, statistics, and history. Furthermore, the act of viewing a configuration, set

of statistics, or history related to a router interface neither teaches nor suggests the creation of an array of disks as facilitated by the array icon builder link and associated selection tabs as claimed in the present invention. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). The Applicants respectfully submit that the router interface GUI of Leong is neither in the field of, nor is reasonably pertinent to, storage area network management and configuration as claimed by the present invention. Also, the Applicants further submit that the Leong reference would not have commended itself to an inventor's attention in considering the problems associated with storage area network management and configuration. To the extent that claim 3 includes elements and limitations of claim 1, the previous arguments rebutting the establishment of a *prima facie* case of obviousness against claim 1 also apply to claim 3.

With respect to Claim 21, Leong neither teaches nor suggests the use of a GUI control for enabling a user to remotely configure drives of a storage enclosure. Furthermore, Leong neither teaches nor suggests that a GUI control include one or more of an array modifier icon link, an enterprise monitor icon link, an array builder icon link, an event notifier icon link, an unconfigured hardware icon link, a templates icon link, and an enterprise icon link. Leong, Column 11, Lines 6-25, as referenced by the Examiner for a basis of rejection of Claim 21, refer to a router status icon whose function is to display a particular color based on the router status (e.g., green=normal, red=problem, etc ...). Neither a router, a router status icon, or an icon display color is related to the claimed invention. Therefore, Leong, Column 11, Lines 6-25, neither teaches nor suggests any feature of the claimed invention. To the extent that claim 21 includes elements and



limitations of claim 1, the previous arguments rebutting the establishment of a *prima facie* case of obviousness against claim 1 also apply to claim 21.

### **Summary**

Neither the teachings nor the nature of the problem solved in either Wollrath, Smith, or Ofer, or the combination thereof, motivate or suggest to one of ordinary skill in the art at the time of the invention to combine the reference teachings in a manner that would make the claimed invention obvious. Furthermore, the combination of Wollrath, Smith, and Ofer as asserted by the Examiner fails to teach all of the claimed features of Claims 1 and 18. For at least these reasons, the Applicants respectfully request that that rejections of independent claims 1 and 18 be withdrawn. For at least the same reasons, the Applicants respectfully submit that dependent claims 2, 6-17, and 20 are patentable over the cited art of record.

Neither the teachings nor the nature of the problem solved in either Wollrath, Smith, Ofer, or Leong, or the combination thereof, motivate or suggest to one of ordinary skill in the art at the time of the invention to combine the reference teachings in a manner that would make the claimed invention obvious. Furthermore, the combination of Wollrath, Smith, Ofer, and Leong as asserted by the Examiner fails to teach all of the claimed features of Claims 3 and 21. For at least these reasons, the Applicants respectfully request that that rejections of independent claims 3 and 21 be withdrawn. For at least the same reasons, the Applicants respectfully submit that dependent claims 4 and 5 are patentable over the cited art of record.

Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900 ext. 6914. If any other fees are due in

connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP091A). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE & PENILLA, LLP



Kenneth D. Wright  
Reg. No. 53,795

710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94085  
Telephone: (408) 749-6900  
**Customer Number 25,920**